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**Hearing Date/Time:**  
August 31, 2021 at 2:30 p.m.

*Attorneys for Creditors Domenick Cipollone  
and Anthony Cipollone*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re:

VIRGINIA TRUE CORPORATION,  
  
Debtor.

Case No. 1-19-42769 (NHL)

VIRGINIA TRUE CORPORATION,  
  
Plaintiff,  
  
DIATOMITE CORPORATION OF AMERICA,  
  
Intervenor-Plaintiff,  
  
against  
  
ANTHONY CIPOLLONE and DOMENICK  
CIPOLLONE,  
  
Defendants.

Adversary Proceeding No.:  
  
1-19-01118 (NHL)

**DECLARATION OF STEPHEN Z. STARR IN SUPPORT OF REPLY**

I, STEPHEN Z. STARR, declare as follows:

1. I am over 18 years of age. My business address is 260 Madison Ave., 17th Floor, New York, New York 10016.
2. I am a member of the Bar of this Court and am a member of Starr & Starr, PLLC.

3. I represent defendants Domenick Cipollone and Anthony Cipollone (the “Cipollones”) in the above-captioned adversary proceeding.

4. This declaration is being submitted in support of the support of the Cipollones’ Reply to the Objection of Diatomite Corporation of America to Debtor’s Motion for Entry of an Order Approving Proposed Settlement.

5. This declaration is based upon my own personal knowledge, except as to such matters stated upon information and belief, and as to such matters I believe them to be true.

6. Attached hereto as Exhibit A is a true and correct copy of the Complaint that Allan H. Appelstein and Diatomite Corporation of America commenced against Howard Kleinhendler and Wachtel Missry LLP, which is currently pending in the U.S. District Court for the Eastern District of New York as Case No. 20-CV-01454-FB.

7. Attached hereto as Exhibit B is a true and correct copy of the Complaint filed against Allan H. Appelstein in the Circuit Court for the County of Richmond, State of Virginia captioned as Robert C. Smith, PLC and Robert Coleman Smith v Allen Appelstein (Case NO. CL21-03).

8. Attached hereto as Exhibit C is a true and correct copy of the Promissory Note, dated April 27, 2017, previously filed in the Adversary Proceeding as Exhibit C to the Amended Complaint filed on January 28, 2020 [Adv. Pro. ECF Doc. No. 23-3].

9. Attached hereto as Exhibit D is the undated Side Letter entered into between Diatomite Corporation of America and Virginia True Corporation, a copy of which was forwarded to the undersigned via email on July 17, 2019, by Rishi Kapoor, Esq., counsel for Diatomite Corporation of America.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

Executed at New York, New York on August 20, 2021.

By: /s /Stephen Z. Starr  
Stephen Z. Starr